IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE SIXTEENTH DAY OF DECEMBER
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

WRIT PETITION No. 26821 of 2005

Between:

T.Paresh

..... PETITIONER

AND

Asst Commissioner of Endowments,

Krishna District at Vijayawada and another

.....RESPONDENTS

ORDER:

Seeking a Mandamus, declaring the action of the respondents in not discharging their statutory duty in evicting the encroachers by implementing the eviction orders in O.A.No.72/1985 to O.S.No.136/1985, as bad and illegal, the present writ petition is filed.

Heard the learned counsel for the petitioner and the learned Government Pleader for Endowments.

The petitioner submits that he is a founder trustee of Sri Veeranjaneya Swamyvari Temple, Gudivada, Krishna District and there is an Executive Officer appointed to the said temple to look after day to day administration of the temple. The petitioner, being the founder trustee, is interested to safeguard the property of the temple. It is stated that an extent of Ac.4.04 cents in Sy.No.97/1 and 97/2 of Gudivada town was donated to the temple by the forefathers of the petitioner and some portion of that property was also acquired by the Government for the purpose of extension of bus stop in the year 1999. It is further stated that an extent of nearly 1000 yards was given for construction of Ayyappa temple and nearly about 2 acres was encroached by the encroachers in the year 1982. Then the Executive Officer has filed petitions before the Deputy Commissioner of Endowments, Kakinada vide O.A.No.72 of 1985 to O.A.No.136 of 1985 for eviction of as many as 68 persons and eviction orders were also passed by a common order No.41/1985, dated 13.02.1986. As against the said order, only 13 encroachers have filed revision before the Joint Commissioner of Endowments vide R.P.No.19 of 1990 and the same was dismissed the Joint Commissioner of Endowments by order dated 05.02.1994. Aggrieved by the same, five persons have filed revision before the Government, and the Government (Revenue (Endts.IV) Department) initially granted status quo to be maintained by Memo No.1749/Endts.IV-1/87-1, dated 20.08.1988. Thereafter, the Government (Revenue (Endts.IV) Department) vide its Memo No.2323/Endts.IV(1)/2003-1, dated 03.04.2003 vacated the earlier stay orders issued on 20.08.1988, requesting the Commissioner of Endowments to take necessary further action in the matter and see

that the encroachers are vacated immediately from the said land. It is stated that though the Government (Revenue (Endts.IV) Department) directed for eviction of encroachers vide its order dated 03.04.2003, no steps have been taken by the respondents in implementing the said order.

Having regard to the facts and circumstances of the case, the Respondents are directed to implement the orders of the Government (Revenue (Endts.IV) Department) in Memo No.2323/Endts.IV(1)/2003-1, dated 03.04.2003, as expeditiously as possible, within a period of
8 (eight) weeks from the date of receipt of a copy of this order.

With the above observations, the Writ petition is disposed of. No order as to costs.

_____

V.ESWARAIAH,J

Dated: 16.12.2005

Dsr